

MEMORANDUM

Agenda Item No. 4 (B)

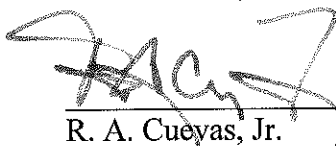
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 4, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to Zoning;
amending Sections 33-1, 33-20,
33-199, 33-201, 33-224, and
33-225 of the Code; modifying
requirements for utility sheds,
pergolas and private garages

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 4, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4 (B)
9-4-12

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-1, 33-20, 33-199, 33-201, 33-224, AND 33-225.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); MODIFYING REQUIREMENTS FOR UTILITY SHEDS, PERGOLAS AND PRIVATE GARAGES; PROVIDING DEFINITION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-1. - Definitions.

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

* * *

>>(78.3) Pergola. A freestanding structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters. A pergola is built as an outdoor sitting area with lattice or open slat roof for partial shade.<<

* * *

Section 2. Section 33-20 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Sec. 33-20. - Accessory buildings; utility sheds>> and pergolas<<; swimming pools; fallout shelters; boat storage.

* * *

(b) *Permanent.* Accessory buildings, structures or uses shall not be closer than seventy-five (75) feet to the front property line except where it is desired to place them closer than seventy-five (75) feet to the front property line; each side line offset distance required for such lot shall be increased by the number of feet less than seventy-five (75) feet above referred to, provided such setback from the front property line is at least fifteen (15) feet greater than the setback for a principal building in the same block and said front line setback is not less than fifty (50) feet. No permit shall be issued for an accessory building for any use unless the principal building exists on front of lot, or unless a permit is obtained simultaneously for both buildings and construction progress concurrently. Accessory buildings shall not occupy a greater percent of the rear yard area than the following:

* * *

- (1) >>Utility sheds and pergolas larger than one hundred (100) square feet shall comply with the accessory building setbacks contained in Section 33-50.<< Utility sheds >>and pergolas<<, not larger than one hundred (100) square feet>>, not exceeding ten (10) feet in height<< and incidental to an existing single-family or townhouse residential use shall >>be setback as follows:<< ~~[[comply with the setback requirements contained in this subsection. Utility sheds larger than one hundred (100) square feet shall comply with the accessory building setbacks contained in Section 33-50]]~~ ~~[[Sheds not exceeding eight (8) feet in height shall be setback as follows:]]~~

	Feet
Front	55
Rear	5>>; or 2 ⁽²⁾ <<
Interior side	5>>; or 2 ⁽²⁾ <<
Spacing from house	10
Side street	10

- >>(1) Utility sheds<<[[Sheds]] >>and pergolas<< in townhouse developments are further restricted by Section 33-202.3(2)(q).
- >>(2) Rear and interior side setbacks may be reduced to two (2) feet provided an affidavit is submitted indicating consent from the owner of the property that directly abuts the property boundary where the reduction is requested.<<
- >>(3) Where applicable, all<<[[All]] utility sheds shall be in compliance with the [[South]] Florida Building Code or be approved by the State of Florida and shall be subject to easement restrictions pursuant to Sections 33-24 and 33-284.43(k).

* * *

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAC

Prepared by:

CBC for

John McInnis

Prime Sponsor: Commissioner Rebeca Sosa